

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

HURST BOILER & WELDING CO.,	:	
Plaintiff,	:	
	:	
v.	:	CASE NO.: 7:24-CV-12-WLS
	:	
KCE LOGISTICS, INC.	:	
Defendant.	:	
	:	
	:	

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**ORDER**

On February 2, 2024, Complaint (Doc. 1) in the above-styled matter was filed by Plaintiff's Attorney. On February 5, 2024, summons was issued to Defendant. (Doc. 2). No further action has occurred since then.

The plaintiff is responsible for serving the defendant with a summons and complaint within the time allowed under Federal Rule of Civil Procedure 4. Fed. R. Civ. P. 4(c)(1). Furthermore, Rule 4(m) requires a plaintiff to properly serve the defendant within ninety (90) days of the plaintiff filing the complaint. Fed. R. Civ. P. 4(m). Here, 90 days from the filing of the Complaint on February 2, 2024, would have been May 5, 2024, which has passed.

If the plaintiff fails to properly serve the defendant within 90 days, the Court “on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). If the plaintiff shows good cause for the failure, then the Court must extend the time for service for an appropriate period. *Id.* A plaintiff must diligently prosecute his Complaint or face the possibility that it will be dismissed under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–30 (1962).

Therefore, Plaintiff is **ORDERED** to serve Defendant KCE Logistics by **Tuesday, May 28, 2024**, and **ORDERED** to show cause as to why Plaintiff has not timely served Defendant by the same deadline. Plaintiff is further warned that failure to file proof of service will result in the dismissal of Plaintiff's Complaint against Defendant without prejudice without further notice or proceeding.

**SO ORDERED**, this 16th day of May, 2024.

/s/ W. Louis Sands  
**W. LOUIS SANDS, SR. JUDGE**  
**UNITED STATES DISTRICT COURT**